

Attorney Docket No.: **IRF-0041**
Inventors: **David M. Thomas**
Serial No.: **10/536,534**
Filing Date: **June 27, 2005**
Page 4

REMARKS

Claims 1-7 are pending in the instant application. Claims 4-6 have been withdrawn from consideration by the Examiner. Claims 1-3 and 7 have been rejected. Claims 1 and 4 have been amended. Support for these amendments is provided in the specification at 6, line 5-7 and page 9, lines 8-11. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Restriction Requirement

Claims 1-7 have been subjected to the following Restriction Requirement:

Group I, claims 1-3 and 7, drawn to a conductive carbon composition; and

Group II, claims 4-6, drawn to a process of making a carbon composition.

The Examiner suggests that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical feature. In particular, the Examiner suggests that the process of Group II involves metallizing the exterior surface of a binder wherein the Group I article does not have a metallized exterior surface.

Applicant respectfully traverses this Restriction Requirement.

Attorney Docket No.: **IRF-0041**
Inventors: **David M. Thomas**
Serial No.: **10/536,534**
Filing Date: **June 27, 2005**
Page 5

Claims 1 and 4 have been amended in accordance with teachings of the specification at page 6 and 9 to include a metallized exterior surface on the composite. This amendment makes clear a corresponding technical feature shared by the claims for Groups I and II.

Accordingly, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicant elects Group I, with traverse.

II. Rejection of Claims under 35 U.S.C. 102(b) and 103(a)

Claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gamble (U.S. Patent 3,702,592). Claim 7 has also been rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative under 35 U.S.C. 103(a) as being obvious over, Gamble (U.S. Patent 3,702,592).

The Examiner suggests that Gamble teaches a material comprising molybdenum hexacarbonyl with a binder added comprising phenol-formaldehyde resin and heat transfer material, graphite. The Examiner suggests that one would expect the disclosed composition of Gamble to inherently have similar properties of electrical conductivity. Further, the Examiner suggests that either the composition of Gamble was capable of functioning as a fuel separator or it would have been obvious to one of ordinary skill in the

Attorney Docket No.: **IRF-0041**
Inventors: **David M. Thomas**
Serial No.: **10/536,534**
Filing Date: **June 27, 2005**
Page 6

art to use the composition of Gamble in a fuel cell because it would exploit known characteristics of resistance to heat and electrical conductivity commonly associated with carbon composites.

Applicant respectfully traverses these rejections.

Teachings of Gamble relate to a fire retardant container and are in no way suggestive of a composition of molybdenum hexacarbonyl, phenol-formaldehyde resin and graphite exhibiting electrical conductivity.

Further, claims of the instant application have been amended in accordance with teachings at page 6 and 9 of the instant application to state that the composite also comprises a thin layer of conducting metallic material deposited on exterior surfaces of the composite.

This element of the claimed invention is not taught by Gamble.

Accordingly teachings of Gamble can neither anticipate (see MPEP 2131) nor render obvious (see MPEP 2143) the instant claimed invention.

Withdrawal of these rejections under 35 U.S.C. 102(b) and 103(a) is therefore respectfully requested.

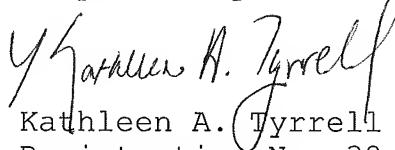
III. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record.

Attorney Docket No.: **IRF-0041**
Inventors: **David M. Thomas**
Serial No.: **10/536,534**
Filing Date: **June 27, 2005**
Page 7

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: **April 3, 2007**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

856-810-1515